

Office of the Secretary of Defense

§ 190.2

the Military Department shall so advise the DoI.

(3) *Plans of operations.* After the lease is executed, the lessee submits a plan of operations (Application for Permit to Drill for oil and gas or Mining Plan for other minerals) to the DoI for technical review and coordination with the Military Department concerned. As a cooperating agency, the Military Department shall supply appropriate stipulations; available environmental, endangered species, and cultural information; and concurrence with the plan. The DoI then formalizes the environmental considerations and approves the plan with the stipulations supplied by the Military Department. Stipulations shall be tied directly to the details of the proposed plan of operations, and each stipulation shall be objectively justifiable.

(4) The DoI has the responsibility for the collection and disposition of proceeds derived from mineral leasing.

§ 189.7 Summary of mineral leasing authorities.

(a) 30 U.S.C. 351 *et seq.* authorizes leasing of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur within acquired DoD lands. 30 U.S.C. 181 *et seq.* authorizes leasing of coal, phosphate, sodium, oil, oil shale, native asphalt, solid or semi-solid bitumen, and bituminous rock or gas within DoD-withdrawn public domain lands under certain conditions and in certain places. Under the leasing statutes, the Secretary of the Interior is responsible for granting and administering such leases. 30 U.S.C. 101 *et seq.* authorizes the Secretary of the Interior to issue leases for development of geothermal steam and associated resources on public lands. This includes public lands withdrawn for use by the Military Departments.

(b) 30 U.S.C. 351 *et seq.* specifically provides for consent of the head of the executive department having jurisdiction over the lands containing the mineral deposit before leasing. For public domain lands withdrawn for use of the Department of Defense 43 U.S.C. 155 *et seq.* provides that there will be no disposition of or exploration for minerals on public domain lands when the Secretary of Defense, in consultation with

the Secretary of the Interior, determines that such disposition or exploration is inconsistent with the military use of the land.

PART 190—NATURAL RESOURCES MANAGEMENT PROGRAM

Sec.

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APPENDIX—INTEGRATED NATURAL RESOURCES MANAGEMENT

AUTHORITY: 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 670 *et seq.*, 10 U.S.C. 2665, 10 U.S.C. 2667(d), 10 U.S.C. 2671 and 16 U.S.C. 460(l).

SOURCE: 54 FR 7539, Feb. 22, 1989, unless otherwise noted. Redesignated at 56 FR 64481, Dec. 10, 1991.

§ 190.1 Purpose.

This part.

- (a) Replaces DoD Directive 4700.1.¹
- (b) Supersedes 32 CFR parts 232, 233, 234, and 217.
- (c) Implements 16 U.S.C. 1531 *et seq.*, 16 U.S.C. 670 *et seq.*, 10 U.S.C. 2665, 10 U.S.C. 2667(d), 10 U.S.C. 2671, and 16 U.S.C. 460(l).
- (d) Prescribes policies and procedures for an integrated program for multiple-use management of natural resources on property under DoD control.

[54 FR 7539, Feb. 22, 1989. Redesignated and amended at 56 FR 64481, Dec. 10, 1991]

§ 190.2 Applicability and scope.

This part:

- (a) Applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Joint Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as “DoD Components”). The term “Military Services,” as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

(b) Governs DoD management of natural resources in the United States and its territories and possessions for both

¹ Canceled by DoD Directive 4700.4.

appropriated and nonappropriated fund activities.

(c) Does not govern natural resources management at State-owned National Guard installations. Nothing contained in this part nor in implementing documents or agreements shall modify rights granted by treaty to Indian tribes or their members.

(d) Does not apply to the civil works functions of the Army.

§ 190.3 Definitions.

Agricultural Outlease. Use of DoD lands under a lease to an agency, organization, or person for growing crops or grazing animals.

Carrying Capacity (Outdoor Recreation). The maximum amount of recreation activity and number of participants that a land or water area can support in manner compatible with the objectives of the natural resources management plan and without degrading existing natural resources.

Carrying Capacity (Wildlife). The maximum density of wildlife that a particular area or habitat will support on a sustained basis without deterioration of the habitat.

Conservation. Wise use and management of natural resources to provide the best public benefits and continued productivity for present and future generations.

Cooperative Plan. The component of the natural resources management plan that describes how fish and wildlife resources at an installation shall be managed and that has been coordinated with U.S. Fish and Wildlife Service and the appropriate State agency. It provide for:

(a) Fish and wildlife habitat improvements or modifications.

(b) Range rehabilitation where necessary for support of wildlife.

(c) Control of off-road vehicle traffic.

(d) Specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered.

Critical Habitat. A specific designated area declared essential for the survival of a protected species under authority of the Endangered Species Act.

Endangered or Threatened Species. A species of fauna or flora that has been

designated by the U.S. Fish and Wildlife Service for special protection and management pursuant to the Endangered Species Act.

Forest Products. All plan materials in wooded areas that have commercial value.

Game Species. Fish and Wildlife that may be harvested in accordance with Federal and State laws.

Grounds. All land areas not occupied by buildings, structures, pavements, and railroads.

Habitat. An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies any of their life requirements.

Multiple-Use. The use of natural resources for the best combination of purposes to meet the needs of the military and the public.

Natural Resources. Land, water, and their associated flora and fauna.

Natural Resources Management Professional. Individual with an undergraduate or graduate degree in a natural resources-related science and who has responsibility for managing natural resources on a regular basis.

Nongame Species. Species not harvested for recreation or subsistence purposes.

Noxious Weeds. Plant species identified by Federal or State Agencies as requiring control or eradication.

Off-road Vehicle. A vehicle designed for travel on natural terrain. The term excludes a registered motorboat confined to use on open water and a military, emergency, or law enforcement vehicle during use by an employee or agent of the Government or one of its contractors in the course of employment or agency representation.

Outdoor Recreation. Program, activity, or opportunity dependent on the natural environment. Examples are hunting, fishing, trapping, picnicking, birdwatching, off-road vehicle use, hiking and interpretive trails, wild and scenic river use, and underdeveloped camping areas. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps, and marinas are not included.

Sustained Yield. Production of renewable natural resources at a level when